

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HELEN LE,  
Plaintiff,  
v.

VINCE CHHABRIA, et al.,  
Defendants.

Case No. 23-cv-02803-JD

**ORDER REVOKING PLAINTIFF'S IN  
FORMA PAUPERIS STATUS**

In Helen Le's pending appeal, the Ninth Circuit made a limited referral back to this Court to determine whether a prior grant of in forma pauperis status should continue, or whether the appeal is frivolous or taken in bad faith. Dkt. No. 28.

An indigent party who cannot afford the expense of pursuing an appeal may file a motion for leave to proceed in forma pauperis. Fed. R. App. P. 24(a); 28 U.S.C. § 1915(a)(1). Pursuant to Federal Rule of Appellate Procedure 24(a), "a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court." Fed. R. App. P. 24(a). The party must attach an affidavit that (1) shows in detail "the party's inability to pay or to give security for fees and costs," (2) "claims an entitlement to redress," and (3) "states the issues that the party intends to present on appeal." *Id.* But even if a party provides proof of indigence, "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). An appeal is in "good faith" where it seeks review of any issue that is "non-frivolous." *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002). An issue is "frivolous" if it has "no arguable basis in fact or law." *O'Loughlin v. Doe*, 920 F.2d 614, 617 (9th Cir. 1990).

The appeal is frivolous. Le's filings are difficult to understand, and at times are virtually


1 unintelligible. *See, e.g.*, Dkt. No. 25. As far as the Court can determine, Le sued two judges in  
2 this District for dismissing cases she filed. *See* Dkt. Nos. 1, 5. A magistrate judge recommended  
3 dismissal of the complaint without leave to amend under 28 U.S.C. § 1915(e)(2)(B) because  
4 judicial immunity bars suit against judges based on their judicial acts. Dkt. No. 5. This  
5 determination was sound, and the Court adopted the recommendation and ordered dismissal. Dkt.  
6 No. 15. Nothing in the record even remotely suggests that the judges “acted in the clear absence  
7 of all jurisdiction.” *Stump v. Sparkman*, 435 U.S. 349, 356–57 (1978) (citation and quotation  
8 marks omitted). Absent such an extraordinary showing, judicial immunity applies. *Id.*  
9 Consequently, the appeal has no arguable basis in fact or law.

10 Le’s in forma pauperis status is revoked. The Clerk is requested to forward this order to  
11 the Ninth Circuit in Case No. 23-16143.

12 **IT IS SO ORDERED.**

13 Dated: September 6, 2023

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JAMES DONATO  
United States District Judge